

# DISPARITY RESPONSE

Acknowledging that disparity exists and creating a baseline for an equitable correctional environment through examination of current practices, training and ongoing continuous quality improvement.

Iowa Department  
of Corrections  
Fiscal Year 2019

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## Table of Contents

Executive Summary	2
Racial Disparity Report Response Overview	3
Solutions	4
Timelines for Implementation	7
Institutional Responses	8

## Executive Summary

Racial disparity in Iowa's Prisons is a very real and multifaceted issue. It is therefore imperative that we as the Iowa Department of Corrections (IDOC), and as a society, recognize the issues and identify those we can impact in a positive way. Disparate incarceration rates will not be solved by the IDOC alone, as there are many factors occurring outside of our influence. However, it is vital that we address the issues we do control and ensure favorable outcomes on these issues. This response to the IDOC's Racial Disparity Report (RDR) represents our current efforts to address the disparity that is within our purview.

As we look at identified areas of disproportionality within our Department, we have found many of these areas are intertwined. For example, one negative interaction between an incarcerated person and a staff could be cause for placing an individual in segregation, generate a disciplinary decision and ultimately raise that individual's custody score, causing a transfer to a higher security facility. The impact of this "cascading effect" is explained in more detail in our response.

Another theme that emerged during my on-site visits with facility staff was the need for improved communication and understanding by both the staff and incarcerated populations. It is our belief that by improving communications and focusing on a less punitive philosophy, we can reduce the number of negative interactions that result in discipline and the inherent disparate impact this causes.

In summary, the IDOC institutions are prepared to take a number of bold steps as outlined in our response, in an effort to reduce and eventually eliminate existing disparities. We are confident we can achieve these goals while still maintaining a safe environment in which we prepare those we supervise for a successful return to their communities.

### **William Sperflage**

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## Racial Disparity Report Response Overview

The Racial Disparity Report (RDR) brought to light the need for systemic changes within the Iowa Department of Corrections.

The RDR will allow the Department to focus its efforts in critical areas while maintaining continuous quality improvements in areas where disparity currently does not exist.

The focus areas will require a thorough examination of existing policies and key decision points. This future analysis will specifically look at how individuals of color are affected by processes, such as discipline and classification, on a statewide basis.

Classification and discipline were two areas within correctional supervision where disparity was identified to exist. The Report further revealed inequity in educational attainment, apprenticeship services as well as grievances.

Classification is an integral part of corrections that determines programming, housing placement and custody level. Classification facilitates the appropriate placement of individuals utilizing an evidence-based risk assessment that weighs behavior and other factors. One such factor is the identification of membership in a Security Threat Group (STG). Although security threat group information was not specifically identified in the RDR, preliminary data indicates that individuals who are black have STG designations at a higher rate than whites and therefore warrants more analysis.

Classification is heavily influenced by Major Disciplinary Reports. Discipline reports are written by staff to document and correct undesirable behaviors by incarcerated individuals. The discipline reports have a compounding effect over time and impact housing and custody level as well as release opportunities. As more discipline is written, risk factors increase, having a negative correlation with custody level.

To ensure fairness and transparency in correctional supervision the Department has evaluated the data from the RDR and has identified a plan to address disparities. The following provides information regarding that plan, approved and endorsed collectively for prisons across the state.

## RACIAL DISPARITY REPORT FISCAL 2019

The Racial Disparity Report identified several areas within correctional supervision that disparity exists.

Classification  
Discipline  
Educational Attainment  
Apprenticeship Services  
Grievances

To learn more about the FY 2019 report contact:

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## Solutions

The Department of Corrections acknowledges the disproportionalities identified in the FY 2019 Racial Disparity Report. The IDOC is committed to continue to seek data and action to promote equal treatment and opportunity for individuals of color while under supervision. Key decision points will be examined, such as classification and discipline, throughout an incarcerated individual's sentence. A thorough analysis of policy, processes, and decisions will need to occur to ensure that equity is achieved through classification, discipline, as well as programming.

### *Focus Area One: Disciplinary Processes*

A key component to addressing racial disparity is a critical look at existing disciplinary processes and how evidence-based practices can make these more effective and equitable.

Core Correctional Practices (CCP) is one such evidence-based program that utilizes communication in the form of Effective Disapproval, Social Reinforcement, and Utilizing Authority to change behaviors.<sup>1</sup> The redirection of negative behaviors to opportunities for growth can be captured at Classification and programming levels.

Therefore a multidisciplinary team will be tasked with the examination of current Disciplinary and Classification Policies and practices to:

- Recommend policy changes to focus on individual corrective interventions that achieve prosocial thinking and behaviors, consistent with our CCP philosophy.
- Develop training materials to challenge supervisory and line staff to look at alternatives to traditional disciplinary processes.

### *Focus Area Two: Security Threat Groups.*

The formation of security threat groups and subsequent individual affiliations may be largely driven by external socio-economic factors. However, using targeted treatment, rather than punitive actions, to address the criminogenic needs associated with STG behaviors may help reduce the disparate impact of STG designations while still addressing the increased risk.

A staff member will be dedicated to provide oversight of the STG program and will assist in a thorough examination of Security Threat Group Policies, procedures and practices within the Department.

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<sup>1</sup> Core Correctional Practices is an evidence base program that utilizes these tenets to improve incarcerated individual behavior

In addition, a Task Force comprised of Statewide Leadership will be assembled to examine how Security Threat Groups impact disparity to include:

- The identification of Evidence-Based programs to address the criminogenic needs of Security Threat Group members.
- Evaluate how STG designations affect criminality and risk factors while in prison.
- Examine processes associated with the identification of Threat Group Members.

#### *Focus Area Three: Recruitment, Hiring and Retention*

Diversity in the workforce inarguably has been proven to be more effective at problem solving, developing efficiencies, and increased productivity. By inviting more diversity and encouraging inclusion we can take steps to improve social connections.

A Statewide recruitment team shall be assembled to:

- Identify deficiencies in current recruitment practices.
- Explore diverse recruitment options within the state.
- Explore diverse recruitment options nationally.
- Propose a recruitment package to encourage relocations to rural communities.
- Develop a streamlined, Department-wide hiring process.
- Obtain and evaluate retention data of staff with emphasis on minorities.

#### *Focus Area Four: Staff Training*

The Department has initiated training designed to allow for the examination of unconscious biases and belief systems. This training has begun in all facilities and additional training is under development. By improving and expanding existing training curriculum the Department can reduce unconscious biases that lead to disparate treatment.

The IDOC Learning Center will be tasked with:

- Providing additional training for staff with emphasis on how values differ between cultures.
- Providing additional training for staff in conscious and unconscious biases.
- Invite other agencies to share experiences and explore cross training opportunities.

*Focus Area Five: Incarcerated Individual Training*

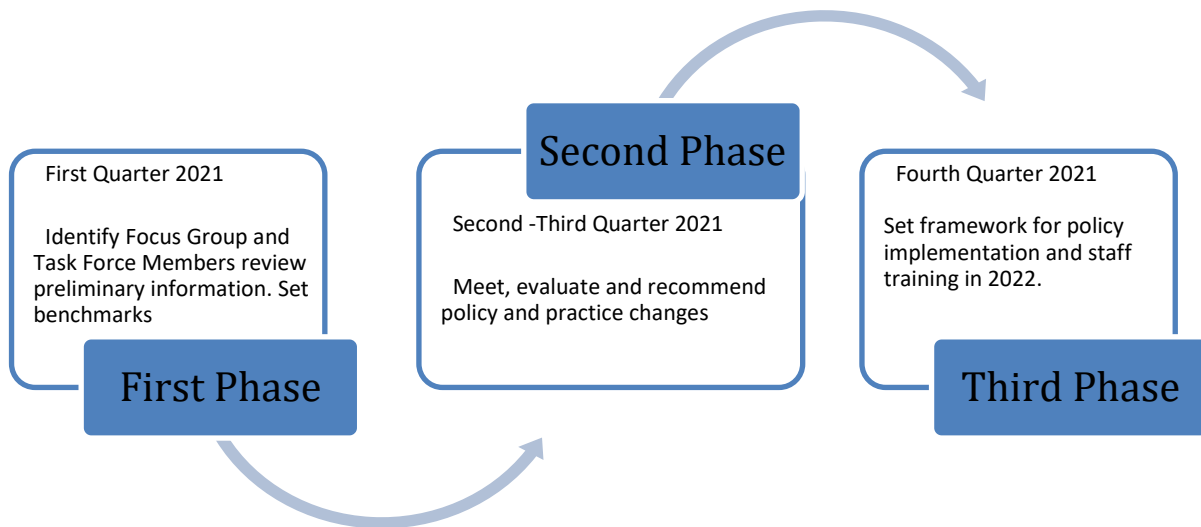
Finally, education of the incarcerated individual population in identifying personal biases can create appropriate expectations of interactions with staff. The curriculum shall be broad, easy to understand and deliver.

A group of statewide leaders will be tasked to:

- Develop orientation curriculum for newly arriving incarcerated individuals regarding cultural values and how it impacts communication and expectations.
- Develop curriculum for existing populations regarding cultural values and expectations with recommendations for an appropriate learning platform.

## Timelines for Implementation

An aggressive schedule has been developed as IDOC is committed to reducing disparity within its correctional operations. The first quarter of the year will be setting the framework for focus groups to ensure a consistent data driven approach to policy and procedure changes. Benchmarks will be set in each Target area to enable accurate measurement of progress in years to come.



Once dedicated resources are in place, the Focus Groups will meet and evaluate each applicable policy and recommend substantial changes that will result in innovative approaches to:

- ✓ Disciplinary practices
- ✓ The use of segregation
- ✓ Security threat group oversight.

Finally, the Department will establish the timeline for policy changes and begin staff orientation. Moving forward the Statewide/Diversity Advisory Board will review the benchmarks and continue to monitor progress towards achieving equity.



## Institutional Responses

The following information describes various focus areas of individual Iowa prisons where disparity has been acknowledged. Solutions proposed vary and may be unique to the focus area, or more compressive to address reformative efforts.

### Anamosa State Penitentiary

The IDOC RDR identified three specific areas that disparity exists within Anamosa State Penitentiary (ASP). Warden Larson and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

**Focus Area One:** Individuals who were black had a slightly higher rate (35%) of guilty findings on Major Disciplinary Reports than institutional populations (29%).

**Solution:** Work with Correctional Supervisors and Unit Managers to identify major reports that can be resolved at a lower level of corrective action. The focus will be to utilize CCP and effective communication. ASP will utilize the classification process to promote positive behavior changes with the intent to reduce the number of major reports being written.

**Focus Area Two:** Black individuals were held in a segregation status at a 9% higher rate than that of white incarcerated individuals.

**Solution:** ASP is working on reducing the number of individuals placed in a segregation status. All staff are being required to complete implicit bias training over the next year. This training will help improve communication skills and give a better understanding of cultural differences. ASP is tracking who goes to segregation by demographic and the reasons why. This information will provide specific data that we can use to address this disparity.

**Focus Area Three:** Individuals who were black filed unique grievances at a 10% higher rate than that of white incarcerated individuals.

**Solution:** ASP has developed a racial disparity committee that will review unique grievances. This committee will identify possible reasons for this disparity. ASP organized a series of meetings between staff and incarcerated individuals called "Speak Your Truth." The purpose of these meetings was to gain awareness for both staff and incarcerated individuals about cultural differences. These meetings allowed incarcerated individuals to speak specifically about issues at ASP. An action plan was developed by staff and incarcerated individuals that addressed the most common issues that came up in those meetings.

### Timelines

The Racial Disparity Committee will meet quarterly as well as review unique grievances as they are filed. This will be an on-going process. When the team meets quarterly they will monitor trends and review data to see if improvements are being made. Implicit Bias training will be completed for all staff over the next year.

## Institutional Response

### Clarinda Correctional Facility

The RDR published by the Department specifically outlined three areas that this facility could improve to be more equitable. Warden Weis and staff are committed to reducing disparity at the institutional level through a systemic approach to disciplinary processes, segregation reviews, and additional training efforts.

**Focus Area One:** Incarcerated individuals who were black made up 25% of the prison population but are 32% of the segregation population.

**Focus Area Two:** Individuals who were black had a slightly higher percentage rate of guilty findings in major disciplinary reports at 27% when compared to the population totals of 25%.

**Focus Area Three:** Individuals who were black had a slightly higher rate of unique grievances filed at 28% when compared to population totals at 25%.

### Solutions

- Implement IMAGE – a peer based incarcerated individual group that involves pro-social interactions that are shown to reduce negative interactions between staff as well as other incarcerated individuals.  
*Timeline – Current and ongoing –full training completed by Spring 2021*
- Provide additional staff training that encompasses CCP and De-escalation techniques.  
*Timeline – Current and ongoing –full training completed by Spring 2021*
- Continue with Implicit Bias Training for all staff  
*Timeline – Projected Completion Summer 2021*
- Work with Correctional Supervisors on the identification of Major Reports that can be effectively handled at a lower level.  
*Timeline – Projected Completion Summer 2021*

**Conclusion:** Awareness and additional training for both staff and incarcerated individuals will play a key role in addressing disparity within the Clarinda Correctional Facility. Additional steps will be taken to review the Department of Labor Apprenticeship program processes to ensure that completion rates are equitable.

## Institutional Response

### Fort Dodge Correctional Facility

The RDR revealed FDCF to be equally representative to the population percentage in the area of work assignments. Warden Johnson and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

#### Focus Areas:

##### Grievances

- At FDCF, individuals who were black filed 34% of unique individual grievances in FY 2019 and make up 31% of the institutional population; a difference of 3%.

##### Segregation

- In the area of Segregation, the report indicated segregation was comprised of 34% individuals who were black compared to a population of 31%; a difference of 3%

##### Disciplinary Reports

- 34% of disciplinary reports were written on individuals who were black compared to the Institutional population of 31%; a difference of 3%.

#### Observation and Solutions

There was a higher difference between the percentage of grievances filed by the institutional population and unique individual grievances filed by African-Americans in FY 2019. The types of grievances for individuals who are black rank; Medical (39%), Staff Behavior/Action (34%), and Property (34%). Although additional evaluation is needed to determine the cause of these discrepancies in the areas of Grievances, Segregation and Discipline, the following is speculated as contributing factors:

- Staff underdevelopment in empathy
- Core Correctional Practices competencies
- Implicit Bias training needs

#### Improvement initiatives:

- Assess CCP competencies and increase proficiency.
- Increase emotional intelligence competencies.
- Continued evaluation of organizational culture.
- Involvement with NAACP organization within the facility

#### Timelines for Improvement Initiatives

- Expand Implicit Bias training-- (In FY 2019 there were 79 staff trained)
- Establish NAACP Charter group (FY 2020)
- Discipline/Privilege Level/Segregation review committee disparity awareness discussion and training --Ongoing
- Cultural competency training--TBD
- Improve informal grievance resolution process--FY 2021

## Institutional Response

### Iowa Correctional Institution for Women

The IDOC RDR identified two specific areas that disparity exists within the Iowa Correctional Institution for Women (ICIW). Warden Dahm and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

**Focus Area One:** Individuals who were black had a higher rate (34%) of guilty findings on Major Disciplinary Reports when compared to institutional populations (16%).

**Solution:**

- A Discipline Matrix decision making tool has been developed and provided to ICIW staff.
- ICIW will continue to develop their training plan for implementing the discipline matrix.
- All ICIW staff will continue to be trained in *Safety Matters; Managing Relationships in a Female Institution and Discipline*.
- ICIW will ensure all staff receive Implicit Bias training as outlined by the IDOC.

**Focus Area Two:** Individuals who are black were held in a segregation status at a higher rate (33%) when compared to institutional populations (16%).

**Solution:**

**ICIW currently has several efforts underway to address disparity.**

- ICIW has implemented a review process for both major and minor discipline reports.
- One designated staff person has been assigned to review reports for consistency. Review occurs prior to submission to Unit Managers and/or Captains for final review and approval.
- ICIW Leadership met with Diversity co-chairs to solicit input regarding how to ensure diversity is considered during client investigations.
- ICIW has implemented a formal training process for staff investigators to include Motivational Interviewing and gender responsive practices.

**Timelines:**

- The use of the Discipline Matrix and assurance of implementation will be ongoing. Materials have been made accessible to staff per the ICIW SharePoint page.
- An ongoing training plan for use of the Discipline Matrix will be developed and implemented by March 2021.
- The *Safety Matters; Managing Relationships in a Female Institution and Discipline* training will continue to be scheduled as part of ICIW new employee training as needed.
- ICIW will continue with *Implicit Bias training*.

**Conclusion:**

ICIW has addressed need areas specific to the female population. ICIW continues to address Prison Rape Elimination Act (PREA) allegations as these issues appear to contribute to administrative segregation placements. Implementation of the *Safety Matters* curriculum with new employee training is one example of how this issue has been addressed. Future goals also include development of the orientation process for incarcerated women at ICIW to include training around trauma, safety, relationship, and implicit bias. ICIW is committed to continued training and process improvements to address disparity.

## Institutional Response

### Iowa Medical and Classification Center

The IDOC RDR identified three specific areas that disparity exists within Iowa Medical & Classification Center (IMCC). Warden Heinrich and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

**Focus Area One** - Individuals who were black had a slightly higher rate (31%) of guilty findings on Major Disciplinary Reports than institutional populations (19%).

**Solution:** Increase staff awareness on unconscious biases that may impact decisions by providing Implicit Bias training for all IMCC staff. This will be completed by January 2022. Ensure Supervisors are reviewing major reports to ensure that the action warrants major report disciplinary action. Alternative sanctions will be considered and utilized before a Major Report is approved.

**Focus Area Two:** Individuals who were black were held in a segregation status at an 11% higher rate than that of incarcerated individuals who were white.

**Solution:** Create an open dialogue with the Incarcerated Individual Council to discuss overall culture and tone of the facility. The meetings will be conducted on a monthly basis. This will start on January 27<sup>th</sup> 2021.

Supervisors will question whether a segregation status is warranted in each circumstance Staff training with de-escalation techniques and CCP will continue and be ongoing.

**Focus Area Three:** Individuals who were black filed unique grievances at an 11% higher rate than that of incarcerated individuals who were white.

**Solutions:** A thorough review of the grievance process was completed in December 2020. Ongoing oversight will ensure that policy steps are being followed appropriately.

The facility will add a Kiosk mailbox titled "Equality". Incarcerated individuals can utilize this to communicate to the Administration on any perceived bias complaints. The kiosk will begin on January 15<sup>th</sup>, 2021.

## Institutional Response

### Iowa State Penitentiary

The IDOC RDR identified two specific areas that disparity exists within Iowa State Penitentiary (ISP). Warden Gibbs and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

The RDR also found that black incarcerated individuals were held at a Maximum Security custody level at a greater rate than that of white individuals. Individuals who were black comprised 25% of the total prison population yet were housed in maximum custody at a rate of 40%. The disproportionate numbers are systemic in nature and will be evaluated on a state-wide level, thus not included in ISP's specific response.

**Focus Area One:** Individuals who were black had a slightly higher rate (43%) of guilty findings on Major Disciplinary Reports than institutional populations (40%).

**Solution:** Work with Correctional Supervisors to identify Major Reports that can be resolved at a lower level of discipline utilizing CCP and effective communication.

**Focus Area Two:** Individuals who were black were held in a segregation status at a 7% higher rate than that of white incarcerated individuals.

**Solution:** Identify conflicts and communication barriers through the implementation of a facility Kiosk Box to open dialogue with the population.

**Solution:** Create a diverse response team to meet with individuals of color to listen, hear, and attempt to resolve issues involving barriers that may exist to equity.

**Solution:** Continue with CCP training and coaching to make certain that de-escalation techniques are utilized fully before segregation is considered.

**Solution:** Ensure all staff receive Implicit Bias training and refreshers to ensure staff are aware of personal and unconscious thought processes.

### Timelines

ISP's commitment to reducing disparity began immediately and continues to be operationalized. Each solution is in a stage of completion. Training in Implicit Bias will continue in earnest in the Spring of 2021.

## Institutional Response

### Mount Pleasant Correctional Facility

The IDOC RDR identified two specific areas that disparity exists within Mount Pleasant Correctional Facility (MPCF). Warden Nelson and staff are committed to identifying key decision points and processes that contribute to the disparate numbers.

**Focus Area:** MPCF has a population which is 23% black. In June 2020 MPCF's population of individuals who were black in a segregation status was 31%.

#### **Solutions and Timelines:**

- Review individual cases to determine the circumstances surrounding placement in segregation completed by 12/01/2020.
- Continue to follow DOC policy and review segregation placements within 72 hours to determine the appropriateness of the placement to include review for racial disparity issues.
- Continue to provide Implicit Bias and other relevant training to staff.
- Develop a database to track weekly segregation reviews focusing on race, reason for segregation and percentages.

**Issue:** MPCF has a population which is 23% black. As of June 2020 incarcerated individuals who were black s filed 32% of all grievances.

#### **Solutions:**

- Review circumstances of grievances. Focus on Staff Behavior/Action and Staff Racial Issue grievances.
- During step one of the grievance process, ask incarcerated individuals if there are other concerns to give the individual an opportunity to express any racial disparity concerns that they may not have included in their grievance.
- Track grievances weekly focusing on staff behavior/action and staff racial issue grievances.
- Continue staff education.

#### **Timelines:**

- Begin grievance reviews immediately with a completion date on 12/1/2020.
- Implement bullet point two under solutions by 12/1/2020.

## Institutional Response

### Newton Correctional Facility

The Iowa Department of Corrections' Disparity Report identified the following areas that were disparate from which Warden Weitzell and staff are committed to addressing.

**Focus Area One:** Individuals who were black had a slightly higher rate (18%) of guilty findings on Major Disciplinary Reports when compared to population totals (14%).

**Solution:**

During review by the unit managers, all major and minor reports are reviewed for potential disparity. The unit managers will determine if the incident could have been addressed with generics notes, informal corrective action, or utilization of CCP. Supervisors have been asked to utilize restricted housing only for those that absolutely require it due to safety and security needs. NCF has recently established TIP 2 which is being utilized as an alternative to placement in restricted housing. Additionally, staff have been utilizing TIP level movement in classification in lieu of writing disciplinary reports to correct behavior.

**Focus Area Two:** Individuals who were black had a slightly higher rate (17%) of unique grievances filed when compared to population totals (14%).

**Solution:**

**NCF will create a Disparity Review Group.** NCF will establish a multidisciplinary group to review and address disparity complaints from our population. Creation of a kiosk mailbox to give avenues for the population to report concerns. The Disparity Review Group will respond to population concerns to include receipt of complaints, documentation, complete and thorough review and response.

**Focus Area Three:** Individuals who were black held a higher rate (20%) in a segregation status when compared to population totals (14%).

**Solution:**

NCF will use a multidisciplinary team during classifications to gather information and make best available decisions on work assignments, education, apprenticeships, and programming. There will also be monthly reviews of job assignments and apprenticeships within the institution. Additionally, NCF will create a survey for our minority population to gather data to better prepare them for re-entry and employment upon return to their communities. NCF will also collaborate with community resources and recently released individuals to assist in re-entry transition and preparation.

The timeline for NCF's action items are current and ongoing.



## **Institutional Response**

### **North Central Correctional Facility**

The Racial Disparity Report (RDR) revealed NCCF to be equitable in several areas; particularly, individuals who were black in segregation populations and the number of guilty disciplinary major reports filed. Warden Johnson and staff are committed to identifying key decision points and processes that contribute to the one area identified where NCCF has disproportionate numbers.

#### **Focus area: Grievances**

- At NCCF, individuals who were black filed 31% of unique individual grievances in FY 2019 and make up 27% of the institutional population; a difference of 4%.

#### **Observation and Solutions**

The RDR revealed there was a bigger difference between the percentage of grievances filed by the institutional population and unique individual grievances filed by African-Americans in FY 2019. The types of grievances for African-Americans rank: Medical (44%), Staff Behavior/Action (32%), and Property (8%). The following is speculated to contribute to the increased difference:

- Staff underdeveloped in empathy and CCP.
- Insufficient involvement of supervisors at the informal resolution level.

#### **Improvement initiatives:**

- Assess CCP competencies and increase proficiency.
- Increase emotional intelligence competencies.
- Continued evaluation of organizational culture.

#### **Timelines for Improvement Initiatives**

- Continue Implicit Bias training--FY 2019
- Data analysis of sanctioning matrix outcomes (including staff survey)--Calendar year 2021
- Supervisor development--Ongoing
- Cultural competency training--TBD
- Improve grievance informal resolution process--FY 2021
- Improve work assignment data and reporting--FY 2021
- CCP/Responding to violations improvement--Ongoing